

## **TENNESSEE BOARD OF OPTOMETRY MINUTES**

**Date:** August 12, 2005

**Time:** 9:30 A.M., E.S.T

**Location:** Lookout Mountain Room  
Marriott Hotel Convention Center  
Chattanooga, TN

### **Board Members**

**Present:** Scott Spivey, OD, Chair  
Jeff Foster, OD, Vice Chair  
Jerry Richt, OD, Secretary  
Eddie Abernathy, OD

### **Board Members**

**Absent:** Pier Briley, Consumer Member

**Staff Present:** Sherry Owens, Board Administrator  
Nicole Armstrong, Advisory Attorney  
Stacy Lannan, Administrative Assistant

Dr. Spivey, chair, called the meeting to order at 9:30 A.M., E.S.T. A sufficient number of board members were present to constitute a quorum.

### **Review of Minutes**

Upon review of the May 4, 2004 board meeting minutes, Dr. Foster made a motion, seconded by Dr. Abernathy, to approve the minutes as written. The motion carried.

### **Conflict of Interest**

Ms. Armstrong reviewed the conflict of interest policy with the board asking the board members to disclose any conflict of interest they may have prior to contested cases or any other legal proceedings or matters to determine if there is a conflict of interest. Ms. Armstrong stated that if a board member does have a conflict of interest they must recuse him/herself and leave the hearing room during the discussion and vote. Ms. Armstrong asked the board members to sign the conflict of interest statement and return it to Ms. Owens.

### **Office of General Counsel Report**

Ms. Armstrong stated Rule 1045-2-.02 regarding criminal background checks for initial applicants for licensure is currently under review by the Office of Attorney General.

Ms. Armstrong stated there are two (2) open cases pertaining to the Board of Optometry, none of which are scheduled for today's meeting.

### **Investigative Report**

Ms. Armstrong reviewed the investigative report stating eight (8) new complaints have been received. Ms. Armstrong said the complaints are alleged under other.

### **Disciplinary Report**

Ms. Armstrong reviewed the disciplinary report stating there is one practitioner being monitored who must appear before the board to reinstate his license.

### **Financial Report**

Ms. Owens reviewed the financial report stating there is a cumulative carryover from June 30, 2005 of \$73,490.53.

Ms. Armstrong stated LensCrafters vs. Robinson case is now up to \$389, 951.73, and she will have more information at the next meeting.

### **Administrative Report**

Ms. Owens reviewed the administrative report stating there are 1100 licensed Optometrists, 758 retired, 415 failed to renew and 165 are deceased. Ms. Owens gave the board members a month to month total of newly licensed, reinstatements and retired Optometrists.

Ms. Owens stated that between May 3, 2005 and August 3, 2005 118 optometrists have renewed their license, 20 renewed online.

Ms. Owens reminded the board that all travel must be submitted 120 days in advance for possible approval.

Ms. Owens stated the continuing education audit is complete. A total of 271 optometrists were audited, 220 are in compliance, 12 non-compliant, 31 no response, 6 were exempt and 2 deceased.

### **Rules**

The board discussed a bill in legislation which allows health related boards to use a screening panel. Ms. Armstrong said the screening panel is nominated by the board members and has the same authority as the board. The screening panel would hear complaints from those persons who have agreed to have their complaints heard before the panel and would make a decision on those complaints without having OGC involved. If the complainant did not agree with the panel, then the case would be sent to Investigations for their involvement.

The board reviewed Rule 1045-2-.11, scope of practice, regarding the use of titles: Any person who possesses a valid, unsuspended and unrevoked license issued by the Board has the right to use the titles and/or initials “Optometrist”, “Doctor of Optometry”, or “O.D.” and to practice as a licensed podiatrist, as defined in T.C.A. §§ 63-38-102. Violation of this rule or T.C.A. § 63-3-113 and 63-8-120 regarding use of titles of shall constitute unprofessional conduct and subject the licensee to disciplinary action.

Mr. John Williams, lobbyist for the Tennessee Optometric Association, suggested the title “Doctor of Optometric Physician”.

Ms. Owens said she would contact Sherry Cooper, American Optometric Association, to see what type of titles they use for an Optometrist.

The board reviewed to amend Rule 1045-2-.09(a) to, a contact lens prescription shall expire one (1) year after the date on which the prescription was issued, unless the optometrist who issued the prescription specifies an earlier expiration date based solely on the optometrist’s professional judgment regarding the ocular health of the patient.

Upon discussion, Dr. Foster made a motion, seconded by Dr. Abernathy, to authorize a rulemaking hearing for Rule 1045-2-.11 regarding use of titles, Rule 1045-2-.10 regarding the use of screening panels and Rule 1045-2-.09 regarding expiration dates for contact lenses. The motion carried. A roll call vote was conducted and all board members voted in the affirmative.

### **Plaque for Terry Hendricks**

Dr. Spivey awarded a plaque to Dr. Terry Hendricks for all his hard work on the Board of Optometry.

### **Review Files**

Upon review of the file for **Richard Savoy**, Dr. Richt made a motion, seconded by Dr. Spivey, to approve Dr. Savoy for therapeutic after the board receives the date of his certification from the State of Mississippi.

Upon the review, Dr. Richt made a motion, seconded by Dr. Spivey, to approve the office name **Eyes On Main** submitted by Nicole Kammeyer. The motion carried.

### **Review/Approve Newly Licensed and Reinstated Optometrists**

Dr. Foster made a motion, seconded by Dr. Abernathy, to ratify the following newly licensed and reinstated Optometrists:

#### **Newly Licensed**

**Sharon Adhami**

**Jessica Baldwin**  
**Traci L. Bell**  
**Theresa Nguyen Best**  
**Megan L. Blemker**  
**Schmeka A. Cofer**  
**Amanda H. Cox**  
**Jason A. Crawford**  
**Nicholas J. Davis**  
**Daniel W. Donaldson II**  
**Anna H. Farouq**  
**Joshua D. Garrett**  
**Don W. Gayso**  
**Scott D. Gordon**  
**Lyndon J. Graves**  
**Peter J. Gunther**  
**Kenya E. Henderson**  
**Shawna L. Hill**  
**Max K. Holland**  
**Phillip A. Hooker Jr.**  
**Heather A. Hope**  
**Louis A. Hyde**  
**Jon C. Jenkins Jr.**  
**Nicole J. Kammeyer**  
**Molly Lee**  
**Tammy Lowery**  
**Heather M. McBryar**  
**Charles S. McQuaig**  
**Jason P. Moran**  
**Ha Thi Nguyen**  
**Jarrod E. Peace**  
**Joseph L. Rouw**  
**Nichole T. Rudowski**  
**Mehrdad Saadat**  
**Scott E. Sanders**  
**Jennifer A. Sanderson**  
**Alyssa L. Scott**  
**Nadira S. Shadeed**  
**Garrett C. Shepard**  
**Jinaki Smith**  
**Robert R. Szeliga**  
**Russell M. Webster**

**Reinstated**

**Jeffery Bateman**  
**James F. Buckner Jr.**

**Christopher Hathran Cooper**  
**Sherrie E. Holman**  
**Brian Roy Murray**  
**Paula Putman Murray**  
**Roy Clifford Smith**

The motion carried.

### **Inject able Certified**

Dr. Spivey made a motion, seconded by Dr. Foster, to approve the following applicants for Inject able Certification:

**Paul Tappan**  
**Tracy Swartz**  
**Karen M. Holdinghausen**  
**Mark Bryant**  
**Barbara Odes**  
**Charles Jeffery Foster**  
**Lindy H. Lewis**  
**Eddie Abernathy**  
**Paul D. Trappin Jr.**  
**Mark Givens**  
**Stan M. Dickerson**

The motion carried.

### **Professional Privilege Tax**

Ms. Owens said a number of optometrists have put their license into retirement and are now reinstating to avoid the Professional Privilege Tax. Ms. Owens asked if the board if they would like to take any action on these applicants.

Ms. Armstrong suggested sending the applicants to Bureau of Investigations and letting them handle it.

### **Elect board member to the Controlled Substance Committee**

Dr. Abernathy made a motion, seconded by Dr. Spivey, to nominate Dr. Jeff Foster on the Controlled Substance Committee. The motion carried.

Dr. Terry Hedricks will remain a consultant to the board.

### **Nominate board member for COPE**

Upon discussion, the board decided to have all board members review COPE continuing education along with Dr. Terry Hendricks.

Dr. Richt suggested the board contact Robyn Brady to also help in reviewing COPE continuing education.

### **Schedule Board Meeting Dates for 2006**

The board selected the following dates for their 2006 board meetings:

March 22

June 28

September 21 & 22 (TOA Convention in Gatlinburg, TN)

November 29

Dr. Richt suggested that Dr. Abernathy and Sherry Owens, board administrator, attend the AARBO meeting.

Dr. Richt requested ACCME be sunshinned for discussion at the next board meeting.

With no other business to conduct Dr. Richt made a motion, seconded by Dr. Abernathy, to adjourn at 11:03 E.S.T. The motion carried.

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